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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,688	08/24/2001	Jeffrey D. Ollis	D2647	2555

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[REDACTED] EXAMINER

MOLINARI, MICHAEL J

ART UNIT	PAPER NUMBER
2665	5

DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/938,688	OLLIS, JEFFREY D. 	
	Examiner	Art Unit	
	Michael J Molinari	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 March 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u>	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation “the connection to the gateway” lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Kung et al. (U.S. Patent No. 6,252,952).
5. Referring to claim 1, Kung et al. disclose a method for providing enhanced dial-up capabilities to a network connection, comprising the steps of: establishing an audio connection

between a telephone and a dial server (Call Manager, see column 25, lines 50-67 and column 26, lines 1-26); processing information conveyed by the audio connection to the dial server to obtain a telephone number (see column 26, lines 27-41); and forwarding that telephone number to a gateway that has a connection to a network (see column 27, lines 1-4).

6. Referring to claim 5, Kung et al. disclose that the connection to the gateway is established using media gateway control protocol (see column 10, lines 36-47).
7. Claims 1-4 and 6-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Shen et al. (U.S. Patent Application Publication 2002/0093944).
8. Referring to claim 1, Shen et al. disclose a method for providing enhanced dial-up capabilities to a network connection, comprising the steps of: establishing an audio connection between a telephone (see Fig. 1, #34) and a dial server (Telephony Server, see Fig. 1, #32) (see paragraph 0046); processing information conveyed by the audio connection to the dial server to obtain a telephone number (see paragraph 0047); and forwarding that telephone number to a gateway (Telephony Server, see Fig. 1, #32) that has a connection to a network (Internet, see Fig. 1, #40, or PSTN, see Fig. 1, #36).
9. Referring to claim 2, Shen et al. disclose that the audio connection is formed across the gateway (The Telephony Server of Shen et al. is the gateway).
10. Referring to claim 3, Shen et al. disclose the step of passing the telephone number from the gateway to a call agent (URL Administrator, see paragraph 0025, lines 1-3).
11. Referring to claim 4, Shen et al. disclose that VOIP is used to communicate with the network (see paragraph 0017, lines 3-4).

12. Referring to claim 6, Shen et al. disclose that the network is attached to the Internet (see Fig. 1).

13. Referring to claim 7, Shen et al. disclose that the network is attached to a PSTN (see Fig. 1).

14. Referring to claim 8, Shen et al. disclose that the network is attached both to an internet and to PSTN (see Fig. 1).

15. Referring to claim 9, Shen et al. disclose that the audio contains DTMF tones (see paragraph 0047, lines 7-9).

16. Referring to claim 10, Shen et al. disclose that the audio comprises voice, and the Dial Server analyzes the voice to associate it with a telephone number (see paragraph 0020, lines 1-9).

17. Referring to claim 11, Shen et al. disclose an apparatus for providing enhanced dial-up capabilities to a network connection, comprising: a telephone (Telephone Communication Device, see paragraph 0008); a gateway connected to the telephone (Telephony Server, see Fig. 1, #32); and a dial server connected to the gateway (Telephony Server, see Fig. 1, #32); wherein the dial server is capable of processing information conveyed by an audio connection with the telephone to obtain a telephone number, which it is capable of forwarding to the gateway (see paragraph 0047).

18. Referring to claim 12, Shen et al. disclose that the audio connection is formed across the gateway (The Telephony Server of Shen et al. is the gateway).

19. Referring to claim 13, Shen et al. disclose a call agent to which the telephone number is passed from the gateway (URL Administrator, see paragraph 0025, lines 1-3).

20. Referring to claim 14, Shen et al. disclose that the network is attached both to the Internet and to PSTN (see Fig. 1).
21. Referring to claim 15, Shen et al. disclose that the network is attached both to an IP network and to PSTN (see Fig. 1).
22. Referring to claim 16, Shen et al. disclose that the audio contains DTMF tones (see paragraph 0047).
23. Referring to claim 17, Shen et al. disclose that the audio comprises voice, and the Dial Server has the ability to analyze the voice so that it can associate it with a telephone number (see paragraph 0020, lines 1-9).
24. Referring to claim 18, Shen et al. disclose an apparatus for providing enhanced dial-up capabilities to a network connection, comprising: a gateway (Telephony Server, see Fig. 1, #32) for packetizing audio (see paragraph 0017); and a dial server (Telephony Server, see Fig. 1, #32) connected to the gateway; wherein the dial server is capable of processing audio information conveyed by an audio connection to a telephone to obtain a telephone number, which the dial server then forwards to the gateway (see paragraph 0047).
25. Referring to claim 19, Shen et al. disclose a call agent for forwarding traffic from the gateway to a network (see paragraph 0036).

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27. U.S. Patent No. 6,426,950 to Mistry teaches a telephony system connected to the PSTN and to the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MJM
Michael Joseph Molinari
April 21, 2003

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600